

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-16-0029-PR

DOBSON BAY CLUB et al v LA SONRISA DE SIENA LLC

Appellate Case Information

Case Filed: 9-Feb-2016
Case Closed:

Dept/Composition

En Banc

Hon. Scott Bales
Hon. John Pelander
Hon. Robert M. Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick

Side 1. DOBSON BAY CLUB II DD, LLC, a Delaware limited liability company; DOBSON BAY CLUB III KD, LLC, a Delaware limited liability company; DOBSON BAY CLUB IV KG, LLC, a Delaware limited liability company; and DARBY AZ PORTFOLIO, LLC, a Delaware limited liability company, Plaintiff/Appellant

(Litigant Group) DOBSON BAY CLUB II DD, LLC, a Delaware limited liability company; DOBSON BAY CLUB III KD, LLC, a Delaware limited liability company; DOBSON BAY CLUB IV KG, LLC, a Delaware limited liability company; and DARBY AZ PORTFOLIO, LLC, a Delaware limited liability

- Dobson Bay Club II DD LLC
- Dobson Bay Club III KD LLC
- Dobson Bay Club IV KG LLC
- Darby AZ Portfolio LLC

Attorneys for: Plaintiffs/Appellants

Brian Pollock, Esq. (AZ Bar No. 19255)
Jared L Sutton, Esq. (AZ Bar No. 28887)

Side 2. LA SONRISA DE SIENA, LLC, an Arizona limited liability company, Defendant/Appellee

(Litigant Group) LA SONRISA DE SIENA, LLC, an Arizona limited liability company

- La Sonrisa De Siena LLC

Attorneys for: Defendant/Appellee

Michael Andrew Schern, Esq. (AZ Bar No. 22996)
Mark A Hanson, Esq. (AZ Bar No. 24922)
Stephen C Biggs, Esq. (AZ Bar No. 26684)

Side 3. ARIZONA PRIVATE LENDER ASSOCIATION, Amicus Curiae

(Litigant Group) ARIZONA PRIVATE LENDER ASSOCIATION

- Arizona Private Lender Association

Attorneys for: Amicus Curiae

David Jeffrey Craven, Esq. (AZ Bar No. 20799)

CASE STATUS

Nov 1, 2016.....Submitted

Sep 20, 2016....At Issue

Sep 20, 2016....Oral Argument Granted

Feb 9, 2016.....Pending

PREDECESSOR CASE (S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 13-0709					
↗ MAR	CV2013-000989	Declaratory Judgment - Default Interest; Late Fee; Release of Deed of Trust; Breach of Contract [see file]		John Christian Rea, Authoring Judge of Order Comments: (none)		

27 PROCEEDING ENTRIES

- 9-Feb-2016 FILED: Motion to Extend Time to File Petition for Review; Certificate of Mailing (Appellee La Sonrisa De Siena LLC)
- 10-Feb-2016 A "Motion to Extend Time to File a Petition for Review" (Appellee La Sonrisa De Siena LLC) having been filed on February 9, 2016,

IT IS ORDERED granting an extension of time to file the Petition for Review on or before March 30, 2016. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the Petition for Review is not filed by March 30, 2016. (Janet Johnson, Clerk)
- 30-Mar-2016 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellee La Sonrisa De Siena LLC)
- 30-Mar-2016 FILED: Appendix to Petition for Review Volume 1 of 2; (Duplicate) Certificate of Service (Appellee La Sonrisa De Siena LLC)
- 30-Mar-2016 FILED: Appendix to Petition for Review Volume 2 of 2; (Duplicate) Certificate of Service (Appellee La Sonrisa De Siena LLC)
- 1-Apr-2016 RECEIPT No.: ASC2016-00305 ; \$280.00, Authorization: 91018830295, Applied to: LA SONRISA DE SIENA, LLC, an Arizona limited liabi - Class A Filing Fee (\$280.00) Paid for: LA SONRISA DE SIENA, LLC, an Arizona limited liability company - By Intresys Inc (Memo: Formset No 1753300)

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7. 31-Mar-2016 FILED: Record from CofA: Electronic Record
8. 29-Apr-2016 FILED: Stipulation to Extend by One Day the Time to File a Response to the Petition for Review; Certificate of Service
9. 2-May-2016 A "Stipulation to Extend by One Day the Time to File a Response to the Petition for Review" having been filed on April 29, 2016, IT IS ORDERED granting an extension of time to file the Response to Petition for Review on or before May 5, 2016. No further extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)
10. 5-May-2016 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellants Dobson Bay Club et al)
11. 5-May-2016 FILED: Appendix in Support of Response to Petition for Review; Certificate of Service (Appellants Dobson Bay Club et al)
12. 10-May-2016 RECEIPT No.: ASC2016-00389 ; \$140.00, Authorization: 30023518820, Applied to: DOBSON BAY CLUB II DD, LLC, a Delaware limited liab - Class B Filing Fee (\$140.00) Paid for: DOBSON BAY CLUB II DD, LLC, a Delaware limited liability company; DOBSON BAY CLUB III KD, LLC, a Delaware limited liability company; DOBSON BAY CLUB IV KG, LLC, a Delaware limited liability company; and DARBY AZ PORTFOLIO, LLC, a Delaware limited liabilit - By Intresys Inc (Memo: Formset No 1792767)
13. 26-May-2016 FILED: Brief Amicus Curiae in Support of Petition for Review; Certificate of Service; Certificate of Compliance (Amicus Curiae Arizona Private Lender Association)
14. 26-May-2016 FILED: Motion to File Brief Amicus Curiae (Amicus Curiae Arizona Private Lender Association)
15. 27-May-2016 A "Motion to File Brief Amicus Curiae" (Arizona Private Lender Association) and the Brief of Amicus Curiae were filed on May 26, 2016.

IT IS ORDERED granting the "Motion to File Brief Amicus Curiae." The brief shall be filed as of May 26, 2016. (Janet Johnson, Clerk)
16. 1-Jun-2016 FILED: Notice of Correction to Counsel Contact Information (Attorney D. Jeffrey Craven email address updated); Certificate of Service (Amicus Curiae Arizona Private Lender Association)
17. 16-Jun-2016 FILED: Response to Amicus Curiae Brief in Support of Petition for Review; Certificate of Service; Certificate of Compliance (Appellants Dobson Bay Club et al)
18. 20-Sep-2016 ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee La Sonrisa De Siena LLC) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Dobson Bay Club et al) = CONTINUED.
19. 21-Sep-2016 NOTICE OF ORAL ARGUMENT: Set for Tuesday, November 1, 2016 at 2:00 P.M. [twenty minutes (20) per side]
20. 22-Sep-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (Brian Pollock will argue) (Appellants Dobson Bay Club et al)
21. 23-Sep-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (Stephen C. Biggs will argue) (Appellee La Sonrisa De Siena LLC)
22. 27-Sep-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (D. Jeffrey Craven) (Amicus Curiae Arizona Private Lender Association)
23. 28-Sep-2016 SENT: Letter to Attorneys re: Parking at UofA Oral Argument
24. 29-Sep-2016 FILED: Remaining Record from CofA: 1 Instrument
25. 10-Oct-2016 FILED: Appellee's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee La Sonrisa De Siena LLC)
26. 10-Oct-2016 FILED: Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellants Dobson Bay Club et al)
27. 1-Nov-2016 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Brian Pollock; Stephen C. Biggs)